

30 ROCKEFELLER PLAZA  
NEW YORK, N.Y. 10112

Room 5600

(212) 649-5600

VIA FAX # (202) 219-3923  
& FEDERAL EXPRESS

December 1, 1998

Office of the General Counsel  
Federal Election Commission  
999 "E" Street, NW  
Washington, D.C. 20463  
Attention: Alva Smith

Re: MUR #4830 - Wendy G. Rockefeller

Dear Ms. Smith:

As counsel to Wendy G. Rockefeller with respect to the above-referenced matter, for which an extension request was granted (see enclosed copy of my November 17 letter), I have reviewed the FEC complaint in connection with her contributions to Tom Udall's 1998 congressional campaign and have prepared the following response for your review.

The complaint asserts that Mrs. Rockefeller made contributions in excess of the statutory contribution ceiling of \$1,000 per election because her two contributions of \$1,000 each, made after June 3, 1998 (the primary date), must be applied to the general election. The relevant regulation [11 CFR 110.1(b)(3)(i)] provides in relevant part as follows:

"3(i) A contribution designated in writing for a particular election, but made after that election, shall be made only to the extent that the contribution does not exceed net debts outstanding from such election. To the extent that such contribution exceeds net debts outstanding, the candidate or the candidate's authorized political committee shall return or deposit the contribution within ten days from the date of the treasurer's receipt of the contribution as provided by 11 CFR 103.3(a), and if deposited, then within sixty days from the date of the treasurer's receipt the treasurer shall take the following action, as appropriate:

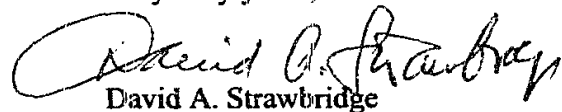
- (A) Refund the contribution using a committee check or draft; or
- (B) Obtain a written redesignation by the contributor for another election in accordance with 11 CFR 110.1(b)(5); or
- (C) Obtain a written reattribution to another contributor in accordance with 11 CFR 110.1(k)(3)."

It would be my understanding that it is entirely within the law to make a contribution to a primary election campaign after the date on which that primary was held so long as the funds are intended to retire debt from the primary election. If the primary debt has been retired, then it would be the responsibility of the campaign committee to refund the contribution or contact the contributor for a redesignation or reattribution of the funds. Mrs. Rockefeller's contribution was made in good faith in reliance on the above-quoted regulation upon the presumption that there was outstanding primary debt and that the money would be refunded or she would be contacted for a redesignation or reattribution, as the regulation specifies, if the primary debt had been retired from other sources.

Copies of the two cancelled checks for Mrs. Rockefeller's contributions are enclosed. The checks each bear a notation made by the campaign committee designating primary or general election, making it clear that the donor's intentions were understood and that one of the checks was to be a contribution to the primary. We have also had an opportunity to review the response dated November 25, 1998, filed with the FEC by the Udall For Us All Committee which clarifies that amendments were filed evidencing that there was outstanding primary debt and that the post-primary contributions received for primary debt reduction were lawful. Accordingly, it seems clear that the contribution made by Mrs. Rockefeller to the primary was within the law.

If my understanding is erroneous, it would be helpful to have your guidance as to the proper manner of handling such contributions in the future.

Very truly yours,

  
David A. Strawbridge

## ACCOUNT

210 838

0051947

October 1, 1998

PAY TO THE ORDER OF

**AMOUNT OF CHECK**

\$1,000.00

Wait For Us All

100-443889-203

SENT TO THE

— 23 —

Political connection - Parsons, E. C. 1950

## THE CHAS. FLETCHER BANK

NEW YORK, N.Y.

*J. T. L.*

4 32 10 4

4007795

SECRET

ALL INFORMATION CONTAINED  
HEREIN IS NATIONAL DEFENSE

[illegible]

# ANNALS

PAID

1. *Staphylococcus aureus* (ATCC 12228) was grown in tryptic soy broth (TSB) (Difco, Franklin Lakes, NJ, USA) at 37 °C for 24 h. The bacterial suspension was centrifuged at 1000 g for 10 min and washed with distilled water. The cells were resuspended in distilled water and adjusted to a concentration of  $1 \times 10^8$  CFU/mL.

[illegible]

Debit Only  
Credit to 650  
450 04663

CA-10  
Wendy G. Rockefeller  
ACCOUNT: [REDACTED]

118 838

0051048

October 1, 1998

PAY TO THE ORDER OF

170122193 01 8314 AMOUNT OF CHECK

Udall For Us All  
P O Box 208  
Santa Fe, MN 87504

\$1,000.00

Political donation - General Election

*John T. L...*

THE CHASE MANHATTAN BANK  
1211 AVENUE OF THE AMERICAS, NEW YORK, N.Y. 10018



FOR DEPOSIT ONLY  
TO MFI & S INC 0458  
NORTHWEST NATIONAL BANK  
9440263018

14 OT 98 03 4

0212-0400-8  
0212-0400-8

1221052780 MORRIST BK AZ  
10621998 16212 NORTH AVE  
PHX AZ 85023 (604) 5239478  
4100767010

0410-00014  
01-00-00-00

10/05/98  
PAID  
921000021

UDALL FOR US ALL  
408 042811

30 ROCKEFELLER PLAZA  
NEW YORK, N.Y. 10112

Room 3600

212 549-1600  
FAX (212) 549-5977

VIA FAX # (202) 219-3923  
& FEDERAL EXPRESS

November 17, 1998

Office of the General Counsel  
Federal Election Commission  
999 "E" Street, NW  
Washington, D.C. 20463  
Attention: Alva Smith

Re: Wendy G. Rockefeller - MUR #4830

Dear Ms. Smith:

Enclosed is a Statement of Designation of Counsel form signed by Wendy G. Rockefeller designating the undersigned as counsel to receive any notifications and other communications from the Commission with respect to the above-referenced matter and to act on her behalf before the Commission.

We are in the process of reviewing the complaint, gathering the facts and preparing a response demonstrating that no action should be taken against Mrs. Rockefeller in response to the complaint. However, because there was a delay in getting these materials and the matter was just recently brought to the attention of counsel, we are asking for a two week extension of time in which to respond to the complaint. Accordingly, we ask that the time to respond to this complaint be extended until December 1, 1998.

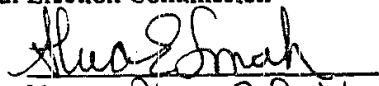
Please acknowledge your agreement to this extension of time by signing the enclosed copy of this letter and returning it to me in the enclosed self-addressed, stamped envelope.

If there are any questions, please call.

Very truly yours,

  
David A. Strawbridge

ACCEPTED AND AGREED TO BY:  
Federal Election Commission

By:   
Name: Alva E. Smith  
Title: Paralegal